

**WAC 197-11-990 Notice of action.**

NOTICE OF ACTION

Notice is given under SEPA, RCW 43.21C.080, that the Washington State Department of Health took the action described in (2) below on October 20, 2005.

1. Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced on or before November 17, 2005 in accordance with RCW 43.21C.080(2).

2. Description of agency action: On October 20, 2005, the Department of Health adopted amendments to WAC 246-249, *Radioactive Waste – Use of Commercial Disposal Site*, that establish a disposal limit on diffuse naturally occurring radioactive and accelerator produced material (NARM) of 100,000 cubic feet per year at the commercial low-level radioactive waste disposal site in Richland, Washington. Also included in the amendments is a case-by-case rollover option for carrying unused volume from year to year. Use of rollover volume requires application by the site operator and approval from the Department of Health. The amendments also replace an individual generator limit of 1,000 cubic feet per year with a requirement that individual generators receive prior approval from the Department of Health for disposal of volumes greater than 1,000 cubic feet per year. WAC 246-249-080 contains the substantive amendments. WAC 246-249-001, -010, and -090 were also amended for clarity and consistency.

3. Description of proposal:

Pursuant to a 1996 settlement agreement between the Department of Health and the commercial site operator, US Ecology, Inc., the Department of Health agreed to conduct rulemaking for the purpose of amending WAC 246-249-080 with respect to volume limits for diffuse NARM at the commercial site.

4. Location of proposal:

The commercial low-level radioactive waste disposal site is located on the U.S. Department of Energy Hanford Reservation, approximately 23 miles northwest of Richland, Washington, on 100 acres of land leased to the state of Washington and subleased by the Washington State Department of Ecology to US Ecology, Inc.

5. Type of environmental review under SEPA:

The Departments of Health and Ecology prepared a Final Environmental Impact Statement for the Commercial Low-Level Radioactive Waste Disposal Site, Richland, Washington, dated May 2004. The DOH publication number is 320-031. The Final Environmental Impact Statement was issued on July 29, 2004.

6. Documents may be examined during regular business hours at:

Department of Health, 111 Israel Road S.E., Tumwater, Washington and  
Department of Health, 309 Bradley Blvd, Suite 201, Richland, Washington  
Documents may also be examined on the Department of Health's website: <http://www.doh.wa.gov/ehp/rp>

7. Name of agency, proponent, or applicant giving notice:

Washington State Department of Health, Office of Radiation Protection

8. This notice is filed by: Gary Robertson, Director, Office of Radiation Protection

Gary Robertson Date 10/21/05